IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2222 OF 2024

Raj Subodh Singhania ….. Applicant

VERSUS

The State of Maharashtra & Anr. ….. Respondents

ALONGWITH
INTERVENTION APPLICATION NO. 332 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 2222 OF 2024

Suresh Hirji Shah …. Applicant

AND

The State of Maharashtra

VERSUS

Raj Subodh Singhania ….. Respondent

Mr.Vikas K. Tiwari for the Applicant.

Mr.Mayur Ronavane, A.P.P. for the State.

Mr. Nilesh Bhalerao, API, Worli Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 28th JANUARY, 2025

<u>P.C.</u> :-

1. The applicant is seeking anticipatory bail in connection with FIR No. 0285 dated 7th May, 2024 registered with Worli Police Station, Brihan Mumbai Shahar under Sections 406 and 420 of the Indian Penal Code, 1860.

2. After hearing the matter for some time, Mr. Vikas K.Tiwari, learned counsel appearing for the Applicant sought time to keep back the matter for five minutes in order to take instructions whether they intend to withdraw the present Anticipatory Bail Application. I had infact opined Mr.Tiwari that while passing an order to withdraw that order will not be signed by me and he was allowed to take instructions.

3. After the matter was called out after 10 minutes, Mr. Vikas Tiwari, learned counsel inviting an order. So also, Mr.Tiwari now say that he want to show two orders to support his case.

4. In the present proceedings, the complainant Mr. Suresh

Shah admittedly was in a financial need in order to fund the treatment of his wife. Therefore he contacted the present applicant who presented that he has a finance company and he can help the complainant if the complainant would agree to his terms. The present accused thereafter suggested to the complainant that the flat belonging to the complainant should be transferred in the name of the employee of the applicant viz. Mr.Prakash Choudhari. Accordingly an MOU was entered into. A loan of Rs.99,49,195/- was obtained from Tata Capital Housing Finance Limited. The said amount was in the name of Mr. Prakash Choudhari with regard to flat of informant. It is further the case of the complainant that out of the said amount, only a sum of Rs.45 lacs was given to the complainant and rest of the amount was retained by the accused person.

5. It is further alleged in the complaint that a false promise was induced to the complainant that certain documents would be executed in his favour and thereafter the amount would be repaid. The complainant thereafter repeatedly demanded the

said amount of around Rs.55 lacs. However, as payments were not received, the complainant approached the police station and Crime No. 285/2024 was registered against the present applicant.

6. It is the case of Mr.Tiwari, learned counsel appearing for the applicant that out of the total amount of around Rs.1 crore which was obtained from the loan, Rs.45 lacs was retained by the present accused and Rs.10 lacs was retained by way of commission and the rest amount of Rs.45 lacs was given to the complainant. By repeatedly asking, Mr.Tiwari that in what capacity the present applicant/accused has retained Rs.45 lacs out of loan amount of Rs.1 crore, Mr.Tiwari was not able to answer the said querry. The only argument made by Mr.Tiwari was that there was some kind of MOU, pursuant to which out of Rs.1 crore, his client can retain Rs.45 lacs. As per the prosecution's case, the present applicant/accused has misappropriated an amount of Rs.55,41,000/- by making false promise to the complainant. As per prosecution's case, the

complainant approached to the applicant/accused for financial help to fulfill expenses of his wife’s medical treatment who was suffering from cancer. But the applicant/accused took advantage of the situation and transferred the property of the complainant in the name of Mr. Prakash Choudhari, who is the employee of the accused.

7. So also, it is the prosecution’s case that another Crime No. 655/2020 was already registered against the applicant/accused for the offence punishable under Sections 406, 420, 465, 467, 471 read with 34 of the Indian Penal Code. The investigation papers also shows involvement of applicant in other financial transaction like the present transaction. It is further the prosecution’s case that inspite of bonafide efforts on the part of the police, the applicant/accused is not co-operating to complete the investigation. The Sessions Court has already rejected the Anticipatory Bail Application of the accused with the reasoned order.

8. In view of the above, no case is made out by the applicant/accused to grant Anticipatory Bail. Hence, **Anticipatory Bail Application is rejected**.

9. **Intervention application is also disposed off**.

10. At this stage, the learned counsel for the applicant is seeking protection of extension of earlier order passed. Learned A.P.P. opposes this request made by the learned counsel for the applicant. Learned A.P.P. on instructions submits that the application is not at all co-operating and all the addresses submitted to the police station are fake addresses where the applicant/accused is not found. Hence, the request made by the learned counsel for the applicant is rejected.

[RAJESH S. PATIL, J.]